

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission	:	
On Its Own Motion	:	15-0273
	:	
Amendment of 83 Ill. Adm. Code 465	:	

THE RETAIL ENERGY SUPPLY ASSOCIATION
BRIEF IN REPLY TO EXCEPTIONS

The Retail Energy Supply Association¹ (“RESA”), by and through its attorney, Gerard T. Fox, pursuant to 83 Illinois Admin. Code Section 200.830 and the Administrative Law Judges’ Ruling, hereby submits the following Brief in Reply to Exceptions in the above-captioned proceeding, the Illinois Commerce Commission’s (“Commission”) rulemaking proceeding to amend 83 Illinois Code Part 465, Net Metering.

On September 29, 2015, the Administrative Law Judges filed their Proposed Order (“ALJPO”) in this proceeding. In its Brief on Exceptions, RESA addressed two matters. First, the Commission should reverse the ALJPO’s rejection of RESA’s proposed revision to Section 465.50, Electricity Provider Billing to Eligible Customers,

¹The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of more than twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

to solve a problem when the net metering customer is a net seller of electricity for a billing period and the electricity supplier is not the electric utility. Second, the Commission should reverse the ALJPO's acceptance of Commonwealth Edison Company's ("ComEd") proposed revision to Section 465.70, Penalty Provisions.

Briefs on Exceptions were also filed by other parties in this proceeding on October 9, 2015. In this Brief in Reply to Exceptions, RESA replies to the Briefs on Exceptions of Ameren Illinois Company ("Ameren"), ComEd and the Illinois Competitive Energy Association ("ICEA").

I. SECTION 465.35 (g)

ICEA proposes revisions to Section 465.35 (g) to provide that approval for interconnection be a necessary prerequisite for reserving net metering space with a RES that has capped participation. (ICEA BOE, pp. 3-5) RESA agrees that ICEA's proposals make more sense than the rules as currently drafted. Therefore, RESA recommends that ICEA's proposed revisions to Section 465.35 (g) be incorporated into the proposed second notice rules.

II. SECTION 465.35 (k)

ICEA proposes a revision to Section 465.35 (k) to delete the requirement that a Retail Energy Supplier ("RES") inform a switched customer regarding becoming a net metering customer with the RES and to substitute a requirement that the electric utility inform the customer in its switch letter that the customer should ask the new supplier for more information about applying for net metering. (*Id.*, pp. 2-3) RESA agrees with

ICEA that there is no statutory mandate for the requirement in the proposed Section 465.35 (k) and recommends that ICEA's proposed revision to that section be adopted.

III. SECTION 465.40

ICEA recommends revisions to proposed Section 465.40 to protect the confidentiality of information set forth in the RES reports required under that section. (*Id.*, pp. 5-7). RESA agrees that it is important to protect the confidentiality of such information and recommends that the Commission incorporate ICEA's language into the proposed second notice rules.

IV. SECTION 465.50

In its Brief on Exceptions, RESA recommended revisions to proposed Section 465.50 to solve the problem that results when the electricity supplier is not the electric utility. (RESA BOE, pp. 2-4) ICEA agrees with RESA on its recommended revisions. (ICEA BOE, pp.8-9) In deciding whether to accept RESA's recommended revisions to Section 465.50, the Commission should take into consideration the agreement of two major associations of RESs in Illinois. In addition, the Commission should note that neither Ameren nor ComEd opposed RESA's recommended revisions to proposed Section 465.50 in their Briefs on Exceptions.

V. SECTION 465.90

Ameren (Ameren BOE, pp. 1-6), ComEd (ComEd BOE, pp. 1-14), and ICEA (ICEA BOE, pp. 7-9) all offer exceptions to the ALJPO regarding proposed Section 465.90, Meter Aggregation. RESA agrees with these parties that this new section proposed to be added to Part 465 is ill-advised and suffers from numerous defects.

Ameren, ComEd and ICEA offer many suggested revisions to remedy the problems created by Section 465.90. RESA endorses ICEA's primary approach—Section 465.90 should be deleted. (ICEA BOE, p. 8) If the Commission is unwilling to delete Section 465.90, then RESA agrees with ICEA's alternative position—that RESs should only be required to address customer meter aggregation requests to the extent that an electric utility has already approved meter aggregation pursuant to a Commission-approved tariff. (*Id.*)

VI. CONCLUSION

In conclusion, RESA recommends that the Commission make the revisions to the Administrative Law Judges' Proposed Order and the Second Notice Proposed Rules set forth in RESA's Brief on Exceptions and this Brief in Reply to Exceptions.

Respectfully submitted,

Retail Energy Supply Association

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NOTICE OF FILING

Please take note that on October 16, 2015, I caused to be filed via e-docket with the Chief Clerk of the Illinois Commerce Commission, the attached Brief in Reply to Exceptions, of the Retail Energy Supply Association, in this proceeding.

/s/GERARD T. FOX
Gerard T. Fox

CERTIFICATE OF SERVICE

I, Gerard T. Fox, certify that I caused to be served copies of the foregoing Brief in Reply to Exceptions, of the Retail Energy Supply Association, upon the parties on the service list maintained on the Illinois Commerce Commission's eDocket system for Ill. C. C. Docket 15-0273 via electronic delivery on October 16, 2015.

/s/ GERARD T. FOX
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